

**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE
DISTRICT OF PENNSYLVANIA**

NANCY BICKHART, Administratrix of	:	NO. 4:17-CV-873
the Estate of TEASIA M. LONG	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	CIVIL ACTION
JOHN WETZEL, in his Official Capacity,	:	
ROBERT SMITH, in his Official Capacity,	:	
CANDY OTTE, RN, in her Individual	:	
and/or Official Capacities, JOHN/JANE	:	
DOES 1-5, in their Individual and/or	:	
Official Capacities, JESSIE AYERS, PA-C,	:	
ERIN BROWN, CRNP, and MHM	:	
CORRECTIONAL SERVICES, INC.	:	
	:	
Defendants.	:	JURY TRIAL DEMANDED

**UNCONTESTED MOTION TO APPROVE SETTLEMENT OF
WRONGFUL DEATH AND SURVIVAL ACTION**

AND NOW, comes the Plaintiff, Nancy Bickhart, Administratrix of the Estate of Teasia M. Long, who files this Uncontested Motion to Approve Settlement of Wrongful Death and Survival Action, and who states as follows:

1. The Plaintiff initiated this action by Complaint filed May 18, 2017.

2. Plaintiff is the duly appointed Administratrix of the Estate of Teasia M. Long, having been appointed by the Snyder County Register of Wills on January 19, 2016.¹

3. Plaintiff's Complaint arises from Decedent Teasia M. Long's suicide while incarcerated at SCI Muncy on May 24, 2015.

4. Plaintiff's Complaint alleges the Defendants provided Decedent grossly inadequate mental health care, resulting in her suicide.

5. Prior to filing the Complaint, Plaintiff requested Decedent Teasia M. Long's records from Pennsylvania's Department of Corrections ("DOC").

6. In response to the request, the DOC provided records to the Plaintiff, which, prior to filing the Complaint, Plaintiff understood to be the totality of Decedent's mental health records while in prison.

7. Based on the pre-suit records, Plaintiff retained an expert in prison psychiatric care, who provided a written opinion that Decedent's health care was grossly inadequate.

8. Based on Plaintiff's expert's opinion, Plaintiff filed a certificate of merit as to multiple defendants, as required under Pa. R. Civ. P. 1042.3(a).

¹ Letters of Administration attached as Exhibit A.

9. After Plaintiff's Complaint and the certificates of merit were filed, however, the Defendants provided Plaintiff with a host of additional records regarding Decedent's mental health care prior to her May 2015 suicide.

10. The post-Complaint records contain supplementary information regarding Decedent's mental health care that was unknown to Plaintiff at the time the Complaint was filed.

11. The post-Complaint records indicate that, contrary to Plaintiff's initial belief, the Defendants provided Decedent with comprehensive mental health services prior to her suicide.

12. As such, Plaintiff no longer believes she can prove that any of the Defendants are liable for Decedent's suicide.

13. Despite that, Defendants agreed to a settlement of \$7,500 in exchange for a general release from Plaintiff. All Defendants with the exception of Defendant Erin Brown are contributing to the settlement.

14. Plaintiff requests the Court approve the settlement, and the distribution as follows below.

15. "Under 20 Pa.C.S. §3323, court approval is required for compromise of suit by or against an estate. Where court approval of settlement is required, an agreement is not binding until approved by a judge." *Rodi v. Williams*, Civil Action No. 4: 12-1379 (M.D. Pa. Apr. 23, 2015) (citing *Carter v. SEPTA*, 2001 WL

1807392, *5 (Pa. Com. Pl. Dec. 20, 2001); *see also* Pa. R. Civ. P. 2206 (requiring court approval of wrongful death settlements).

16. Here, Plaintiff asks that this Court approve a disbursement that reimburses Plaintiff (as administratrix of the Estate) and her Counsel a portion of the costs incurred due to Decedent's death.

17. First, Plaintiff, as Administratrix of the Estate, incurred \$5,012 in burial costs due to Decedent's suicide.²

18. Plaintiff requests she be reimbursed \$3,750 in burial costs.

19. Second, Plaintiff's Counsel, Andreozzi & Associates, P.C., incurred \$8,728.77 in costs associated with investigation and litigation of this matter.³

20. Plaintiff requests Andreozzi & Associates, P.C. be reimbursed \$3,750 to offset those costs.

21. Andreozzi & Associates, P.C. has waived its attorneys' fees due to the limited recovery.

22. Plaintiff's proposed distribution is in accord with 20 Pa.C.S. § 3392.

23. Defendants were provided a copy of this Motion, and concur in the requested relief.

² Invoice for Decedent's burial costs attached as Exhibit B.

³ Itemized costs attached as Exhibit C.

WHEREFORE, the Plaintiff requests this Court enter the attached Order granting her Uncontested Motion to Approve Settlement of Wrongful Death and Survival Action, and Order as follows:

- a. That the \$7,500 proposed settlement is approved;
- b. That Plaintiff, Nancy Bickhart, Administratrix of the Estate of Teasia M. Long, shall execute any documents necessary to effectuate settlement;
- c. That Plaintiff, Nancy Bickhart, shall be reimbursed \$3,750 to offset the burial costs she incurred due to Decedent's death;
- d. That Andreozzi & Associates, P.C., shall be reimbursed \$3,750 to offset the costs incurred in pursuit of this action; and,
- e. That on receipt of the settlement funds Plaintiff shall discontinue this action, with prejudice.

Dated: December 15, 2017

/s/ Nathaniel L. Foote, Esq.

Nathaniel L. Foote (ID #318998)

ANDREOZZI & ASSOCIATES, P.C.

111 N. Front Street, Harrisburg, PA 17101

nate@victimscivilattorneys.com

Ph: 717.525.9124 | Fax: 717.525.9143

CERTIFICATE OF SERVICE

I, Nathaniel L. Foote, Esq., counsel for Plaintiff, hereby certify that a true and correct copy of the foregoing document was served upon all counsel of record via this Court's electronic filing system.

Respectfully Submitted,

ANDREOZZI & ASSOCIATES, P.C.

Dated: December 15, 2017

/s/ Nathaniel L. Foote, Esq. (PA ID 318998)
nate@victimscivilattorneys.com
111 N. Front Street, Harrisburg, PA 17101
Ph: 717.525.9124 | Fax: 717.525.9143